

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation )  
Against: )  
)  
)  
SANDEEP KAPOOR, M.D. )  
)  
Physician's and Surgeon's )  
Certificate No. A-65873 )  
)  
Respondent )  
\_\_\_\_\_ )

Case No. 17-2007-181279

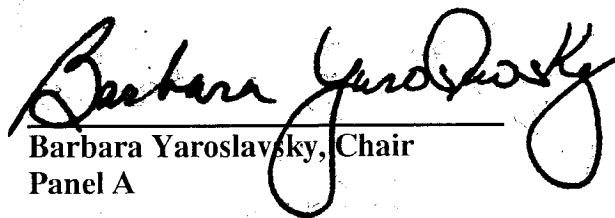
**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 15, 2013.

IT IS SO ORDERED: January 18, 2013.

**MEDICAL BOARD OF CALIFORNIA**

  
\_\_\_\_\_  
Barbara Yaroslavy, Chair  
Panel A

1 KAMALA D. HARRIS  
Attorney General of California  
2 ROBERT MCKIM BELL  
Supervising Deputy Attorney General  
3 KLINT JAMES MCKAY  
Deputy Attorney General  
4 State Bar No. 120881  
300 So. Spring Street, Suite 1702  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 17-2007-181279

11 **SANDEEP KAPOOR, M.D.**  
12 **12311 Ventura Blvd.**  
**Studio City, CA 91604**  
13 **Physician's and Surgeon's Certificate No. A**  
**65873**

OAH No. 2011040549  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 Respondent.  
15

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
21 California. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Klint James McKay, Deputy  
23 Attorney General.

24 2. Respondent Sandeep Kapoor, M.D. (Respondent) is represented in this proceeding by  
25 attorney Ellyn S. Garofalo, Esq., whose address is: 1100 Glendon Ave., 14th Floor, Los Angeles,  
26 California 90024.  
27  
28

1 On or about July 1, 1998, the Board issued Physician's and Surgeon's Certificate number A  
2 65873 to Sandeep Kapoor, M.D. (Respondent). This license was in full force and effect at all  
3 times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

4  
5 JURISDICTION

6 4. Accusation No. 17-2007-181279 was filed before the Medical Board of California,  
7 Department of Consumer Affairs ("Board"), on March 14, 2011, and is currently pending against  
8 Respondent. The Accusation and all other statutorily required documents were properly served on  
9 Respondent that date. Respondent timely filed his Notice of Defense contesting the Accusation. A  
10 copy of Accusation No. 17-2007-181279 is attached as Exhibit A and incorporated herein by  
11 reference. In addition to the above Accusation, on December 5, 2011, Respondent filed a Writ of  
12 Mandate denominated LASC Case No. BS 134 945 which is now pending in Department 82 of  
13 the Los Angeles Superior Court, Central District, regarding issues raised in the Accusation. The  
14 claims made in that action are also resolved by this Stipulation.

15  
16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Accusation No. 17-2007-181279. Respondent has also carefully read,  
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
20 Disciplinary Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
23 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
24 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
25 the attendance of witnesses and the production of documents; the right to reconsideration and  
26 court review of an adverse decision; and all other rights accorded by the California  
27 Administrative Procedure Act and other applicable laws.

1           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
2 every right set forth above.

3  
4                                   CULPABILITY

5           8.     a)     Respondent admits the allegations in the Third, Sixth, and Eighth Causes for  
6 Discipline and also admits to the Ninth Cause for Discipline as to records for medical services  
7 only, and agrees that at any hearing of this matter, Complainant could prove a prima facie case  
8 establishing each charge contained in the First and Second Causes of Action. Respondent denies  
9 each and every other allegation contained in the Accusation.

10                b)     If Respondent ever petitions to modify or terminate any term or condition set  
11 forth herein, including but not limited to probation, or should the Board or any other regulatory  
12 agency in California or elsewhere hereinafter institute any other action against Respondent,  
13 including but not limited to an Accusation and/or Petition to Revoke Probation, the allegations  
14 and facts set forth in the Accusation shall be deemed admitted for all purposes.

15           9.     Respondent agrees that his Physician and Surgeon's Certificate is subject to discipline  
16 and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
17 Order below.

18                                   CONTINGENCY

19           10.    This Stipulation shall be subject to approval by the Board. Respondent understands  
20 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
21 with the Board regarding this Stipulation and settlement, without notice to or participation by  
22 Respondent or his counsel. By signing the Stipulation, Respondent understands and agrees that he  
23 may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board  
24 considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and Order,  
25 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
26 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
27 be disqualified from further action by having considered this matter.

1 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
2 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
3 effect as the originals.

4 12. In consideration of the foregoing admissions and Stipulations, the parties agree that  
5 the Board may, without further notice or formal proceeding, issue and enter the following  
6 Disciplinary Order.

7  
8 DISCIPLINARY ORDER

9 IT IS HEREBY ORDERED that Physician and Surgeon's Certificate No. A 43166 issued to  
10 Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation  
11 for three years from the effective date of the Order by the Board adopting this Stipulation, subject  
12 to the following terms and conditions.

13 A. CONTROLLED SUBSTANCES – MAINTAIN RECORDS AND ACCESS TO  
14 RECORDS AND INVENTORIES

15 Respondent shall maintain a record of all controlled substances ordered, prescribed,  
16 dispensed, administered, or possessed by Respondent, and any recommendation or approval  
17 which enables a patient or patient's primary caregiver to possess or cultivate marijuana for the  
18 personal medical purposes of the patient within the meaning of Health and Safety Code section  
19 11362.5, during probation, showing all of the following:

- 20 1) the name and address of patient;  
21 2) the date;  
22 3) the character and quantity of controlled substances involved; and  
23 4) the indications and diagnosis for which the controlled substances were furnished.

24 Respondent shall keep these records in a separate file or ledger, in chronological order. All  
25 records and any inventories of controlled substances shall be available for immediate inspection  
26 and copying on the premises by the Board or its designee at all times during business hours and  
27 shall be retained for the entire term of probation. Respondent confirms that the above information  
28

1 is contained in his office computer system, and Complainant agrees that so long as that continues,  
2 Respondent's current practice meets the requirements of this section.

3 B. EDUCATION COURSE

4 Within 60 calendar days of the effective date of this Decision, and on an annual basis  
5 thereafter, Respondent shall submit to the Board or its designee for its prior approval educational  
6 program(s) or course(s) which shall not be less than 25 hours per year, for each year of probation.  
7 The educational program(s) or course(s) shall be aimed at correcting any areas of deficient  
8 practice or knowledge and shall be Category I certified. The educational program(s) or course(s)  
9 shall be at Respondent's expense and shall be in addition to the Continuing Medical Education  
10 (CME) requirements for renewal of licensure. Following the completion of each course, the  
11 Board or its designee may administer an examination to test Respondent's knowledge of the  
12 course. Respondent shall provide proof of attendance for 50 hours of CME of which 25 hours  
13 were in satisfaction of this condition.

14 C. MEDICAL RECORDS KEEPING COURSE

15 Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a  
16 course in medical record keeping equivalent to the Medical Record Keeping Course offer by the  
17 Physician Assessment and Clinical Education Program, University of California, San Diego  
18 School of Medicine (Program), approved in advance by the Board or its designee. Respondent  
19 shall provide the program with any information and documents that the Program may deem  
20 pertinent. Respondent shall participate in and successfully complete the classroom component of  
21 the course not later than six (6) months after Respondent's initial enrollment. Respondent shall  
22 successfully complete any other component of the course within one (1) year of enrollment. The  
23 medical record keeping course shall be at Respondent's expense and shall be in addition to the  
24 Continuing Medical Education (CME) requirements for renewal of licensure. A medical record  
25 keeping course taken after the acts that gave rise to the charges in the Accusation, but prior to  
26 then effective date of the Decision may, in the sole discretion of the Board or its designee, be  
27 accepted towards the fulfillment of this condition if the course would have been approved by the  
28 Board or its designee had the course been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

#### D. PRESCRIBING PRACTICES COURSE

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in prescribing practices equivalent to the Prescribing Practices Course at the Physician Assessment and Clinical Education Program, University of California, San Diego School of Medicine (Program), approved in advance by the Board or its designee. Respondent shall provide the program with any information and documents that the Program may deem pertinent.

Respondent shall participate in and successfully complete the classroom component of the course Not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The prescribing practices course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. A prescribing practices course taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the course would have been approved by the Board or its designee had the course been taken after the effective date of this Decision. Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the course, or not later than 15 calendar days after the effective date of the Decision, whichever is later.

#### E. PROFESSIONALISM COURSE

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the

1 program not later than the time specified by the program, but no later than one (1) year after  
2 attending the classroom component. The professionalism program shall be at Respondent's  
3 expense and shall be in addition to the Continuing Medical Education (CME) requirements for  
4 renewal of licensure. A professionalism program taken after the acts that gave rise to the charges  
5 in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
6 Board or its designee, be accepted towards the fulfillment of this condition if the program would  
7 have been approved by the Board or its designee had the program been taken after the effective  
8 date of this Decision. Respondent shall submit a certification of successful completion to the  
9 Board or its designee not later than 15 calendar days after successfully completing the program or  
10 not later than 15 calendar days after the effective date of the Decision, whichever is later.

11 F. NOTIFICATION Within seven (7) days of the effective date of this Decision, the  
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
13 Chief Executive Officer at every hospital where privileges or membership are extended to  
14 Respondent, at any other facility where Respondent engages in the practice of medicine,  
15 including all physician and locum tenens registries or other similar agencies, and to the Chief  
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
18 calendar days. This condition shall apply to any change(s) in hospitals, other facilities or  
19 insurance carrier

20 G. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules  
21 governing the practice of medicine in California, and remain in full compliance with any court  
22 ordered criminal probation, payments and other orders.

23 H. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
24 under penalty of perjury on forms provided by the Board, stating whether there has been  
25 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
26 not later than 10 calendar days after the end of the preceding quarter.

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1 I. PROBATION UNIT COMPLIANCE

2 i) Compliance with Probation Unit. Respondent shall comply with the Board's  
3 probation unit and all terms and conditions of this Decision.

4 ii) Address Changes. Respondent shall, at all times, keep the Board informed of  
5 Respondent's business and residence addresses, email address (if available), and telephone  
6 number. Changes of such addresses shall be immediately communicated in writing to the Board  
7 or its designee. Under no circumstances shall a post office box serve as an address of record,  
8 except as allowed by Business and Professions Code section 2021 (b).

9 iii) Place of Practice. Respondent shall not engage in the practice of medicine in  
10 Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility  
11 or other similar licensed facility, or such practice is related to hospice care or house calls.

12 iv) License Renewal. Respondent shall maintain a current and renewed California  
13 physician's and surgeon's license.

14 v) Travel or Residence Outside California. Respondent shall immediately inform  
15 the Board or its designee, in writing, of travel to any areas outside the jurisdiction of California  
16 which lasts, or is contemplated to last, more than thirty (30) calendar days. In the event  
17 Respondent should leave the State of California to reside or to practice Respondent shall notify  
18 the Board or its designee in writing 30 calendar days prior to the dates of departure and return. If  
19 Respondent in good faith cannot notify Complainant 30 days prior to his date of departure, he  
20 shall notify Complainant as soon as possible, in any event not later than the date of departure.

21 J. INTERVIEW WITH THE BOARD OR ITS DESIGNEE Respondent shall be  
22 available in person upon request for interviews either at Respondent's place of business or at the  
23 probation unit office, with or without prior notice throughout the term of probation.

24 K. NON PRACTICE WHILE ON PROBATION Respondent shall notify the Board or  
25 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
26 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
27 defined as any period of time Respondent is not practicing medicine in California as defined in  
28 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month

1 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All  
2 time spent in an intensive training program which has been approved by the Board or its designee  
3 shall not be considered non practice. Practicing medicine in another state of the United States or  
4 Federal jurisdiction while on probation with the medical licensing authority of that state or  
5 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall  
6 not be considered as a period of non-practice. In the event Respondent's period of non-practice  
7 while on probation exceeds 18 calendar months, Respondent shall successfully complete a  
8 clinical training program that meets the criteria of Condition 18 of the current version of the  
9 Board's "Manual of Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming  
10 the practice of medicine. Respondent's period of non- practice while on probation shall not  
11 exceed two (2) years. Periods of non-practice will not apply to the reduction of the probationary  
12 term. Periods of non-practice will relieve Respondent of the responsibility to comply with the  
13 probationary terms and conditions with the exception of this condition and the following terms  
14 and conditions of probation: Obey All Laws; and General Probation Requirements.

15 L. COMPLETION OF PROBATION Respondent shall comply with all financial  
16 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
17 completion of probation. Upon successful completion of probation, Respondent's certificate shall  
18 be fully restored.

19 M. VIOLATION OF PROBATION Failure to fully comply with any term or condition  
20 of probation is a violation of probation. If Respondent violates probation in any respect, the  
21 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
22 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
23 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
24 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
25 the matter is final.

26 N. LICENSE SURRENDER Following the effective date of this Decision, if  
27 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
28 the terms and conditions of probation, Respondent may request to surrender his or her license.

1 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
2 determining whether or not to grant the request, or to take any other action deemed appropriate  
3 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
4 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its  
5 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
6 to the terms and conditions of probation. If Respondent re-applies for a medical license, the  
7 application shall be treated as a petition for reinstatement of a revoked certificate.

8 O. PROBATION MONITORING COSTS Respondent shall pay the costs associated  
9 with probation monitoring each and every year of probation, as designated by the Board, which  
10 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
11 California and delivered to the Board or its designee no later than January 31 of each calendar  
12 year.

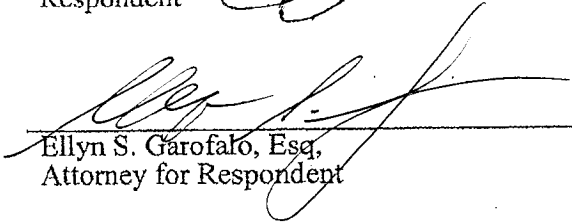
13  
14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
16 discussed it with my attorney, Ellyn Garofalo. I understand the Stipulation and the effect it will  
17 have on my Physician and Surgeon's Certificate. I enter into this Stipulated Settlement and  
18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
19 Decision and Order of the Medical Board of California

20 DATED: 11/07/12

  
\_\_\_\_\_  
SANDEEP KAPOOR, M.D.  
Respondent

21  
22  
23 DATED: 11/07/12

  
\_\_\_\_\_  
Ellyn S. Garofalo, Esq.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 08 November 2011

KAMALA D. HARRIS  
Attorney General of California  
ROBERT MCKIM BELL  
Supervising Deputy Attorney General

KLINT JAMES MCKAY  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 17-2007-181279**

1 EDMUND G. BROWN JR.,  
2 Attorney General of California  
3 KLINT JAMES MCKAY,  
4 Deputy Attorney General  
5 State Bar No. 120881  
6 300 So. Spring Street, Suite 1702  
7 Los Angeles, CA 90013  
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10 *Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO March 14, 2011  
BY: Richard A. Galt ANALYST

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 17-2007-181279

12 SANDEEP KAPOOR, M.D.

13 12311 Ventura Boulevard  
14 Studio City, California 91604

ACCUSATION

15 Physician's and Surgeon's Certificate No. A  
16 65873,

17 Respondent.

18 Complainant alleges:

19 PARTIES

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

22 2. On or about July 1, 1998, the Medical Board of California issued Physician's and  
23 Surgeon's Certificate Number A 65873 to Sandeep Kapoor, M.D. (Respondent). Respondent's  
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on May 31, 2012, unless renewed.

26 ///

27 ///

28 ///

## JURISDICTION

3. This Accusation is brought before the Medical Board of California, Department of Consumer Affairs (Board), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality<sup>1</sup> shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the

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<sup>1</sup> California Business and Professions Code section 2002, as amended and effective January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in the State Medical Practice Act (Cal. Bus. & Prof. Code, §§2000, et seq.) means the "Medical Board of California," and references to the "Division of Medical Quality" and "Division of Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1 applicable standard of care, each departure constitutes a separate and distinct breach of the  
2 standard of care.

3 "(d) Incompetence.

4 "(e) The commission of any act involving dishonesty or corruption which is substantially  
5 related to the qualifications, functions, or duties of a physician and surgeon.

6 "(f) Any action or conduct which would have warranted the denial of a certificate."

7 6. Section 2266 of the Code states: "The failure of a physician and surgeon to maintain  
8 adequate and accurate records relating to the provision of services to their patients constitutes  
9 unprofessional conduct."

10 **FIRST CAUSE FOR DISCIPLINE**  
11 **(Gross Negligence – Patient B.M.<sup>2</sup>)**

12 7. Respondent is subject to disciplinary action under section 2234(b) of the Code in that  
13 he was grossly negligent in the care and treatment of Patient B.M. The circumstances are as  
14 follows:

15 A. On or about July 6, 2004, Patient B.M. first saw Respondent (Patient B.M. had  
16 been a patient of Respondent's predecessor). Patient B.M. complained that she was unable  
17 to walk due to back pain and noted a recent surgery for endometriosis. Respondent did not  
18 take a new history, and the only physical exam was conducted to check for tenderness in  
19 the neck muscles. No consideration was given to endometriosis as a source of the low back  
20 pain, and no mention was made of the seven month gap in care since the time that she had  
21 last seen Respondent's predecessor.

22 B. Over the course of three years of treatment, Respondent failed to document the  
23 prescriptions he made to Patient B.M., to conduct physical examinations and to address her  
24 complaints, develop treatment plans, or follow up on Patient B.M.'s reported problems and  
25

26  
27 <sup>2</sup> The patients will be referred to by their initials for privacy reasons. The identity of the  
28 patients will be disclosed to Respondent upon request in discovery.



1 incidents (such as that she had been in a motor vehicle accident) in any way other than by  
2 prescribing her drugs.

3 C. Respondent overprescribed drugs for Patient B.M., and gave her drugs without  
4 adequate medical justification.

5 D. Respondent's records were grossly inadequate and did not document the  
6 complaint of the patient, her objective condition, Respondent's assessment, or his plan for  
7 treatment.

8 8. Each of these actions constitutes gross negligence and an extreme departure from the  
9 applicable standard of care.

10 **SECOND CAUSE FOR DISCIPLINE**  
11 **(Repeated Negligent Acts – Patient B.M.)**

12 9. The above actions of Respondent constitute repeated negligent acts pursuant to Code  
13 section 2234(c).

14 **THIRD CAUSE FOR DISCIPLINE**  
15 **(Failure to Maintain Adequate Records – Patient B.M.)**

16 10. Respondent is subject to disciplinary action under section 2266 of the Code in that he  
17 failed to maintain adequate and accurate records of the medical services he rendered to Patient  
18 B.M., as set forth above.

19 **FOURTH CAUSE FOR DISCIPLINE**  
20 **(Gross Negligence – Patient D.P.)**

21 11. Respondent is subject to disciplinary action under section 2234(b) of the Code in that  
22 he was grossly negligent in the care and treatment of Patient D.P. The circumstances are as  
23 follows.

24 A. On or about April 19, 2004, Patient D.P. first saw Respondent. Respondent  
25 saw D.P. through at least August, 2008. During this period, Respondent committed the following  
26 extreme departures from the applicable standard of care.

- 27 • Prescribed controlled drugs (opiates, sedatives, and stimulants) without medical  
28 indication on at least ten occasions between August 13, 2004, and September 5, 2007.
- Prescribed controlled drugs (opiates, sedatives, and stimulants) without a good faith

1 medical evaluation on numerous occasions between August 13, 2004, and September 5,  
2 2007 ;

3 • Overprescribed doses of opiates and stimulants without consideration of likely  
4 side effects on multiple occasions between August 13, 2004, and September 5, 2007;  
5 and

6 • Prescribed large doses of opiates, stimulants, and sedatives in a manner likely to  
7 promote overdose or injury between August 13, 2004, and September 5, 2007.

8 12. Each of these actions constitutes gross negligence and an extreme departure from the  
9 applicable standard of care.

10  
11 **FIFTH CAUSE FOR DISCIPLINE**  
**(Repeated Negligent Acts – Patient D.P.)**

12 13. The above actions of Respondent constitute repeated negligent acts pursuant to Code  
13 section 2234(c).

14  
15 **SIXTH CAUSE FOR DISCIPLINE**  
**(Failure to Maintain Adequate Records – Patient D.P.)**

16 14. Respondent is subject to disciplinary action under section 2266 of the Code in that he  
17 failed to maintain adequate and accurate records of the medical services he rendered to Patient  
18 D.P., as set forth above.

19  
20 **SEVENTH CAUSE FOR DISCIPLINE**  
**(Repeated Acts of Negligence – Patient C.V.)**

21 15. Respondent is subject to disciplinary action under section 2234(c) of the Code in that  
22 he engaged repeated acts of negligence. The facts and circumstances are as follows.

23 A. Patient C.V. was an HIV positive man with deteriorating health due to active  
24 AIDS when he first saw Respondent on or about January 20, 2004.

25 B. Over the course of his treatment of C.V. and from January of 2004 through  
26 2008, Respondent prescribed quantities of drugs far in excess of the normal dosages, and failed to  
27 consider the downside of same. These included opiates which were highly addictive.  
28

1 C. Respondent, throughout his treatment of C.V., failed to adequately document the  
2 condition of C.V., and Respondent's observations, analysis or plan to address the problems C.V.  
3 reported. Respondent's records also contain no justification for the quantities of drugs he gave  
4 C.V.

5 16. The above actions of Respondent constitute repeated negligent acts pursuant to Code  
6 section 2234(c).

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8 **EIGHTH CAUSE FOR DISCIPLINE**  
**(Failure to Maintain Adequate Records – Patient C.V.)**

9 17. Respondent is subject to disciplinary action under section 2266 of the Code in that he  
10 failed to maintain adequate and accurate records of the medical services he rendered to Patient  
11 C.V., as set forth above.

12  
13 **NINTH CAUSE FOR DISCIPLINE**  
**(Failure to Maintain Adequate Records – Patient R.K.)**

14 18. Respondent assumed the care of R.K. on or about June 1, 2004. During the course of  
15 his treatment and from June, 2004 through 2008, Respondent failed to maintain adequate and  
16 accurate records of the medical services he rendered and the medications he gave to this patient.

17  
18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
20 and that following the hearing, the Medical Board of California issue a decision:

21 1. Revoking or suspending Physician's and Surgeon's Certificate Number A 65873,  
22 issued to Sandeep Kapoor, M.D.

23 2. Revoking, suspending or denying approval of his authority to supervise physician  
24 assistants, pursuant to section 3527 of the Code;

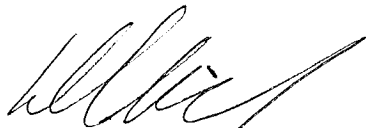
25 3. Ordering him, if placed on probation, to pay the Medical Board of California the costs  
26 of probation monitoring;

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4. Taking such other and further action as deemed necessary and proper.

DATED: March 14, 2011



LINDA K. WHITNEY  
Executive Director,  
Medical Board of California  
Department of Consumer Affairs,  
State of California,  
*Complainant*